

3/24/2017

Clean Water Act Proposed Consent Decree - LA Waterkeeper v. Triumph Processing 2:16-cv-07037 PSG

From: gk@gideonlaw.net  
Subject: Clean Water Act Proposed Consent Decree - LA Waterkeeper v. Triumph Processing 2:16-cv-07037 PSG  
Date: Fri, March 24, 2017 7:10 pm  
To: gk@gideonlaw.net  
Cc: melissa@lawwaterkeeper.org, citizensuitdocs.enrd@usdoj.gov, reese.goldsmith@usdoj.gov, christine.ennis@usdoj.gov, regina.day@usdoj.gov, unterberger@ballardspahr.com, humphreys@ballardspahr.com

Dear Citizen Suit Coordinator:

Attached is the Proposed Consent Decree in the referenced case.

The Complaint was served on you September 20, 2016.

We have notified the Court of the Proposed Consent Decree and the need for 45-day DOJ review.

See attached Notice of Settlement (the Proposed Consent Decree is Exhibit A to the Notice) and Rose Foundation letter.

Hard copies of the documents are being mail served today in compliance with 40 CFR Section 135.5 and on the DOJ Citizen Suit Coordinator P.O. Box.

These actions should trigger the 45 day review period.

I am also copying on this email Waterkeeper's in-house counsel Melissa Kelly and Defendant's lawyers Glenn Unterberger and Scott Humphreys.

Let us know should you have questions on the documents.

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**Attachments:**

**16.7037.notice.settl..pdf**

Size: 8.1 M

Type: application/pdf

**LA Waterkeeper v. Triumph Processing, Inc. RoseStip 3.24.17.pdf**

Size: 621 k

Type: application/pdf

DEPT. OF JUSTICE, ENRD  
ENVIRONMENT DIVISION  
17 MAR 29 A 1:46



March 24, 2017

Reese Goldsmith, Citizen Suit Coordinator  
Environment & Natural Resources Division  
Law and Policy Section  
P.O. Box 7415  
Ben Franklin Station  
Washington, D.C. 20044-7415

Re: Los Angeles Waterkeeper v. Triumph Processing, Inc. (Case No: 2:16-cv-07037 PSG (KSx))

Dear Ms. Goldsmith,

This letter is intended to provide assurance that I have received the proposed [proposed] Consent Decree and Order between Los Angeles Waterkeeper and Triumph Processing, Inc. and that I am authorized by my Board of Directors to make the following binding commitments on behalf of the Rose Foundation.

- 1) I understand that the Rose Foundation should receive funds from Triumph Processing, Inc. as specified in [proposed] Consent Decree and Order. In addition to the funds received for an environmental project, the Rose Foundation may also receive payments for stipulated penalties.
- 2) The Rose Foundation shall only use these Triumph Processing, Inc. funds for a project related to water quality designed to analyze, reduce, prevent, or otherwise mitigate the ecological and/or health effects effects of stormwater and/or non-stormwater discharges into Los Angeles area waterbodies.
- 3) After the funds are disbursed, the Rose Foundation shall send a report to the Justice Department, the Court and the Parties setting forth the recipient and purpose of the funds and demonstrating conformance with the nexus of the [proposed] Consent Decree and Order.

**Rose Foundation for Communities and the Environment**

The Rose Foundation is a 501(c)(3) public charity (tax ID#94-3179772). Its mission is to support grassroots initiatives to inspire community action to protect the environment, consumers and public health. To fulfill this mission, the Rose Foundation conducts the following activities:

- Raise money to award as grants to qualified non-profit organizations conducting charitable operations. The Foundation does not support political lobbying activities prohibited by Section 501(c)(3) of the IRS Code.

- Work directly in schools and in the community to encourage environmental stewardship and civic participation.
- Help government efforts to control pollution and protect the environment by encouraging community engagement in local, state and federal research and policy development.

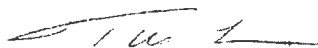
Within this broad range of activities, all of the Rose Foundation's work revolves around one or more of the following strategic themes:

- Build and maintain a bridge between the community and organized philanthropy.
- Protect the natural environment, public health, and community and consumer rights.
- Promote collaboration between labor, environmental, business, consumer and social interests.
- Cultivate a new generation of environmental stewards and social policy leaders.
- Respect the inalienable rights protected by our nation's constitution, and the essential human rights to clean air, clean water, and individual dignity and privacy.

The Rose Foundation is governed by a Board of Directors. Grant applicants are required to submit written proposals, which must include at a minimum specific information about the goals, activities and projected outcomes of the proposed project, background about the charitable applicant, budget information, and a specific funding request. The Foundation may require additional information in order to fully evaluate the application. Applications are first screened by Foundation staff. Staff then makes recommendations to the Foundation Board for action. The Foundation requires all projects to submit written reports within one year of receipt of the grant award describing work conducted under the grant, thereby providing an accountability mechanism over funds awarded. Annual audits by the certified public accounting firm Levy and Powers are posted on the Foundation's website [www.rosefdn.org](http://www.rosefdn.org).

I hope this provides you with the information you require. Please do not hesitate to contact me with any questions, or for additional information at (510) 658-0702 or [tlittle@rosefdn.org](mailto:tlittle@rosefdn.org).

Sincerely,



Tim Little, Executive Director